

dy

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November 7, 2007

Clerk of the Court
Michigan Court of Appeals
P O Box 30022
925 West Ottawa Street
Lansing, MI 48909

Re: **People v Michael Melton**
Court of Appeals No. 272308
Lower Court No. 05-1722-FC

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sado
051722-FC

Dear Clerk:

Enclosed for filing are an original and four (4) copies of the following pleading:

Defendant-Appellant's Supplemental Authority
Proof of Service

This case is on the **November 14, 2007 Lansing** call before **Judges Owens, Bandstra, and Davis.**

Sincerely,

Randy E. Davidson
Assistant Defender

RED

Enclosures

cc: Alger County Prosecutor (fax and regular mail)
Attorney General (fax and regular mail)
Mr. Michael Melton
File

STATE OF MICHIGAN
IN THE COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff-Appellee,

Court of Appeals No. 272308

Lower Court No. 05-1722-FC

-VS-

MICHAEL MELTON

Defendant-Appellant.

ALGER COUNTY PROSECUTOR
ATTORNEY GENERAL
Attorneys for Plaintiff-Appellee

RANDY E. DAVIDSON (P30207)
Attorney for Defendant-Appellant

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DEFENDANT-APPELLANT'S SUPPLEMENTAL AUTHORITY

PROOF OF SERVICE

STATE APPELLATE DEFENDER OFFICE

BY: RANDY E. DAVIDSON (P30207)
Assistant Defender
3300 Penobscot Building
645 Griswold
Detroit, Michigan 48226
(313) 256-9833

STATE OF MICHIGAN
IN THE COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN

Court of Appeals No. 272308

Plaintiff-Appellee,

Lower Court No. 05-1722-FC

-VS-

MICHAEL MELTON

Defendant-Appellant.

DEFENDANT-APPELLANT'S SUPPLEMENTAL AUTHORITY

Pursuant to MCR 7.212(F), Appellant cites the following supplemental authority:

On Issue II, in *People v Dobek*, 274 Mich App 58, 72-76; 732 NW2d 546 (1/30/2007), this Court held that the improper reference to the defendant's Catholic beliefs did not warrant reversal "in light of the trial court's wisdom in swiftly and commendably stopping the religious line of questioning" and where "the content or substance of defendant's Catholic beliefs was never explored. . . ." By contrast in the present case, no one stopped the prosecutor from introducing Mr. Melton's alleged membership in the Mobites or Moorish Americans, an Islamic prison group which inmates considered to be a gang, even though the prosecutor did not charge Mr. Melton with conspiring with other alleged gang members to murder the decedent. Defense trial counsel compounded the error by introducing Mr. Melton's copy of the Koran.

On Issue III, in *People v Shafier*, ___ Mich App ___; ___ NW2d ___ (Docket No. 267192, published 10/30/2007), this Court found no reversible error, despite a *Doyle* violation, "in light of the other evidence of defendant's guilt of second-degree criminal sexual conduct. . .", slip op, p 4. In the present case, Mr. Melton testified that he did not stab the decedent. Another inmate testified that he did. Other inmates testified that co-defendant Anderson stabbed the decedent. There was no video surveillance.

Respectfully submitted,

STATE APPELLATE DEFENDER OFFICE

BY: 

RANDY DAVIDSON (P30207)

Assistant Defender

3300 Penobscot Building

645 Griswold

Detroit, Michigan 48226

(313) 256-9833

Date: November 7, 2007

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CLERK OF COURT

STATE OF MICHIGAN
IN THE COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN

Court of Appeals No. 272308

Plaintiff-Appellee,

Lower Court No. 05-1722-FC

-VS-

MICHAEL MELTON

Defendant-Appellant.

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

RANDY E. DAVIDSON, being first duly sworn, deposes and says that on November 7, 2007, he filed with this Court the following:

**DEFENDANT-APPELLANT'S SUPPLEMENTAL AUTHORITY
PROOF OF SERVICE**

and he mailed one (1) copy of same to:

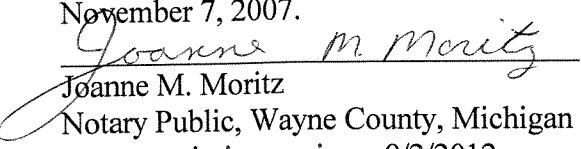
Alger County Prosecutor
Courthouse Complex
101 Court Street
Munising, MI 49862

Attorney General
Criminal Appellate Division
525 West Ottawa
P O Box 30217
Lansing, MI 48909



RANDY E. DAVIDSON

Subscribed and sworn to before me
November 7, 2007.


Joanne M. Moritz

Notary Public, Wayne County, Michigan

My commission expires: 9/2/2012

22309T-J

Randy E. Davidson

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